IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

OP.No. 744 of 2001(L)

PETITIONER:

M.R. CHANDRASEKHARAN NAIR,
CODE NO. 1899,
DEPUTY SAFETY OFFICER,
S & F DEPARTMENT,
COCHIN SHIPYARD LIMITED,
COCHIN - 15.

BY ADV. SRI.K.G.ANIL BABU.

RESPONDENTS:
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1. **THE CHAIRMAN & MANAGING DIRECTOR,**
   COCHIN SHIPYARDE LTD., COCHIN - 15.

2. **THE DIRECTOR (OPERATIONS),**
   COCHIN SHIPYARD LTD., COCHIN - 15.

3. **THE DEPUTY GENERAL MANAGER (S & F),**
   COCHIN SHIPYARD LTD., COCHIN -15.

4. **THE DIRECTOR OF FACTORIES & BOILERS,**
   DIRECTORATE OF FACTORIES & BOILERS,
   GOVERNMENT OF KERALA,
   THIRUVANANTHAPURAM - 23.

BY ADV. SRI.M.PATHROSE MATHAI FOR R1 TO R3,
SRI.SAJI VARGHESE
GOVERNMENT PLEADER SMT. SMITHA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P. NO. 744/2001:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ANNUAL RETURN SUBMITTED BY THE COCHIN SHIPYARD BEFORE THE INSPECTOR OF FACTORIES AND BOILERS, DTD. 17/01/1994.

EXT.P.2: COPY OF THE SENIORITY LIST IN THE CADRE OF SUPERVISORS AS ON 01/01/93 MAINTAINED BY THE COCHIN SHIPYARD.

EXT.P.3: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE R.1. DTD. 27/06/2000.

EXT.P.4: COPY OF THE MEMORANDUM NO. PF/1899 DTD. 02/08/2000 ISSUED BY THE R.2. REJECTING EXHIBIT P.3.

EXT.P.5: COPY OF THE APPEAL SUBMITTED BY THE PETITIONER BEFORE THE R.4.

EXT.P.6: COPY OF THE COVERING LETTER DTD. 18/08/2000-0 BY THE PETITIONER BEFORE THE R.3, REQUESTING TO FORWARD EXHIBIT P5 TO THE R.4.

EXT.P.7: COPY OF THE MEMORANDUM NO, PERL/18/ (54)/98 DTD. 24/08/2000 CANNOT BE FORWARDED TO THE PURPOSING.

RESPONDENT'S EXHIBITS:

EXT.R4.A: COPY OF THE LR. NO. 463/94 DT. 02/03/94 OF THE INSPECTOR OF FACTORIES AND BOILERS GR.I, ERNAKULAM.

EXT.R4.B: COPY OF THE LR. NO. PERL/2 (196) DT. 11/10/94 OF THE GENERAL MANAGER I/C, COCHIN SHIPYARD LTD.

EXT.R4.C: COPY OF THE LETTER NO. G3-14996/94/F&B DTD. 27/10/94 OF THE DIRECTOR OF FACTORIES AND BOILERS.

EXT.R4.D: COPY OF THE LR. NO. SFY/06/10/95 DT. 26/04/95 OF THE GENERAL MANAGER, COCHIN SHIPYARD LTD.

EXT.R4.E: COPY OF THE LR. NO. A 325/94 DT. 31/05/95 OF THE INSPCTOR OF FACTORIES AND BOILERS GR.I, ERNAKULAM.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.744 of 2001-L

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Dated this the 8th day of June, 2007.

JUDGMENT

The petitioner seeks a declaration of his status as a Safety Officer in the Cochin Shipyard. It is his contention that while he was an Assistant Safety Officer, he was found fit to be promoted as Safety Officer, but was not given such promotion on the ground that he was medically unfit to hold that post. He submitted a representation before the authorities of the Cochin Shipyard, which essentially was in the form of an appeal to the Director of Factories and Boilers because, the post of Safety Officer is a statutory post under the Factories' law and an appeal lies to the Director of Factories and Boilers against removal of a person from the post of Safety Officer and on situations where there is a variation of conditions of service attached to that post. However, during the pendency of this writ petition, the petitioner has availed the benefit of Voluntary Retirement Scheme from the Cochin Shipyard thereby, not only terminating

his jural relationship with the Shipyard but also coming on record to state that he would have no further claims against the Shipyard. After having availed the benefit of VRS, the petitioner is not entitled to press for any of the reliefs in this writ petition. This principle is embodied in the decision of the Apex Court in **A.K.Bindal v. Union of India and others [(2003) 5 SCC 163]**. The writ petition is hence closed without granting any relief.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.744 of 2001-L

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JUDGMENT

Dated: 8th June, 2007.